

5 NOVEMBER 1947

I N D E X  
Of  
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
KOISO, Kuniaki (resumed)	32433
Cross (cont'd) by Mr. Logan	32433
Cross (cont'd) by Dr. TAKAYANAGI	32438
Cross (cont'd) by Mr. Furness	32439
Redirect by Mr. Brooks	32443
<u>MORNING RECESS</u>	32458
Redirect (cont'd) by Mr. Brooks	32458
<u>NOON RECESS</u>	32474
Redirect (cont'd) by Mr. Brooks	32476
(Witness excused and returned to dock)	32476
TOKUGAWA, Yoshichika (resumed)	32477
Direct by Mr. Brooks	32477
(Witness excused)	32482
HIYOSHI, Takehiko	32486
Direct by Mr. Brooks	32486
(Witness excused)	32493

5 NOVEMBER 1947

I N D E X  
of  
WITNESSES  
(cont'd)

<u>Defense' Witnesses</u>	<u>Page</u>
IWAKURO, Hideo	32494
Direct by Mr. Brooks	32494
<u>AFTERNOON RECESS</u>	32502
Direct (cont'd) by Mr. Brooks	32506
(Witness excused)	32508
KITANO, Kenzo	32509
Direct by Mr. Brooks	32509
(Witness excused)	32513
TOKUGAWA, Yoshitomo	32514
Direct by Mr. Brooks	32514
(Witness excused)	32517
TANAKA, Takeo	32518
Direct by Mr. Brooks	32518

5 NOVEMBER 1947

I N D E X

Of

EXHIBITS

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
2829	3383		Excerpt from Exhibit No. 3038-B - Study on the Organization of MP Force in Man- churia		32446
2043	3384		Affidavit of TOKUGAWA, Yoshichika	32483	
	3385		War Ministry General Affairs Regulations	32484	
2562	3385-A		Excerpt therefrom		32484
2560	3386		Affidavit of HIYOSHI, Takehiko		32488
2661	3386-A		Certificate of non- availability of docu- ments		32492
2567	3387		Affidavit of IWAKURO, Takeo		32502
2561	3388		Affidavit of KITANO, Kenzo		32510
2698	3388-A		Certificate of non- availability of docu- ments		32510
2563	3389		Affidavit of TOKUGAWA, Yoshitomo		32515

Wednesday, 5 November 1947

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST  
Court House of the Tribunal  
War Ministry Building  
Tokyo, Japan

The Tribunal met, pursuant to adjournment,  
at 0930.

Appearances:

For the Tribunal, all Members sitting, with the exception of: HONORABLE JUSTICE R. B. PAL, Member from India, not sitting from 0930 to 1600; HONORABLE JUSTICE HENRI BERNARD, Member from the Republic of France, not sitting from 1100 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese to English interpretation was made by the Language Section, IMTPE.)



G  
r  
e  
e  
n  
b  
e  
r  
g  
&  
Y  
e  
l  
d  
e  
n

1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present  
4 except MATSUI, who is represented by counsel. The  
5 prison surgeon at Sugamo certifies that he is too ill  
6 to be able to attend the trial today. The certificate  
7 will be recorded and filed.

8 Have you completed your cross-examination,  
9 Colonel?

10 COLONEL FIXEL: I made a statement at the  
11 conclusion of yesterday's proceeding that the prosecu-  
12 tion had completed its cross-examination.

13 THE PRESIDENT: Mr. Logan.

14 MR. LOGAN: If the Tribunal please.

15 - - -

16 K U N I A K I K O I S O, an accused, resumed the  
17 stand and testified through Japanese interpreters  
18 as follows:

19 CROSS-EXAMINATION (Continued)

20 BY MR. LOGAN:

21 Q General KOISO, the prosecution asked you some  
22 questions the day before yesterday on pages 32,277 and  
23 32,278 of the record with respect to a conversation you  
24 are supposed to have had with the accused KIDO; do you  
25 recall that? That was to the effect that you are

1 supposed to have told KIDO that you seemed to be in  
2 favor of a HIRANUMA Cabinet in April or May, 1932.

3 A I have no recollection as having ever said  
4 that directly to Marquis KIDO.

5 Q And the prosecution also referred to a diary  
6 entry of Marquis KIDO of May 17, 1932, apparently to  
7 back up the questions they were asking you. Now, in  
8 that diary entry Marquis KIDO records that Lieutenant  
9 Colonel SUZUKI told him that War Vice Minister KOISO  
10 seems to be in favor of a HIRANUMA Cabinet. Did you  
11 have such a conversation with Lieutenant Colonel  
12 SUZUKI or with someone who might have told him that?

13 A I have no such recollection.

14 Q No recollection of having talked to Lieutenant  
15 Colonel SUZUKI or no recollection of having said that  
16 you were in favor of a HIRANUMA Cabinet to any person?

17 A I have no recollection of ever having said  
18 that, but at the same time I cannot say that I absolutely  
19 did not say such a thing.

20 Q On page 32,281 of the record you state that  
21 KIDO's diary, court exhibit 179-F, is completely with-  
22 out foundation. That exhibit is a diary of August 7,  
23 1931, in which KIDO is reporting information which  
24 Baron HARADA gave him. When you say that that exhibit  
25 is completely without foundation do you mean by that

1 the contents of the diary for that date do not  
2 properly portray or set forth what Baron HARADA  
3 told KIDO or do you mean by that that the information  
4 which Baron HARADA transmitted to KIDO is inaccurate?

5 A If I am to explain to you a part of this  
6 in some detail, the contents of exhibit 179, I should  
7 tell you that this entry says or alleges that KOISO,  
8 NINOMIYA and TATEKAWA had held a meeting at the  
9 official residence of the War Minister and, using  
10 one HASHIMOTO, Shigeto as sort of a tool and inviting  
11 the services of Dr. OKAWA, were planning to utilize  
12 the Social Masses Party to carry out a political  
13 change.

14 Q General, I don't like to interrupt you but  
15 I think that is beside the point. This exhibit is in  
16 evidence and sets forth this conversation which KIDO  
17 had with Baron HARADA.

18 MR. BROOKS: I would like for the witness  
19 to complete the answer he started, if your Honor please.

20 MR. LOGAN: This is cross-examination.

21 THE PRESIDENT: I did not understand it, as  
22 far as he went, to be an answer to the question put,  
23 so put your question.

24 Q All I am interested in, General, is when you  
25 state that this exhibit is completely without foundation,

1 do you mean by that that the information which  
2 Baron HARADA gave Marquis KIDO was not correct?

3 A I do not know the source but I deny the  
4 facts as set forth -- alleged there.

5 THE PRESIDENT: That is as much as he  
6 could say.

7 Q But you have no quarrel, General, with the  
8 facts as recorded by Marquis KIDO as having come from  
9 Baron HARADA, have you? In other words, you do not  
10 deny that Baron HARADA told KIDO what he records in  
11 his diary?

12 MR. BROOKS: If your Honor please, I ask  
13 that the witness be allowed to explain his answer  
14 which he had started to do before, having answered  
15 the question giving his reasons why he denies those  
16 facts.

17 MR. LOGAN: I am not cross-examining this  
18 witness as to the truth or falsity of those facts.  
19 I am merely cross-examining to find out whether or not  
20 he denies that HARADA told KIDO what is recorded in  
21 his diary; that is all.

22 THE PRESIDENT: Let him answer, but we know  
23 what it is going to be.

24 A I cannot deny that.

25 MR. LOGAN: That is all.



KOISO

CROSS

32,437

MR. TAKAYANAGI: I wish to conduct a brief  
cross-examination for defendant SUZUKI.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## CROSS-EXAMINATION (Continued)

1 BY MR. TAYANAGI:

2 Q When the witness was Chief of the Military  
3 Affairs Bureau, was there another person by the name  
4 of SUZUKI besides defendant SUZUKI in the Military  
5 Administration Section of the Bureau?  
6

7 A After I testified yesterday I discovered  
8 later, on second thought, that there was one more  
9 SUZUKI in the Military Administration Section.

10 Q The SUZUKI who is not the defendant SUZUKI,  
11 what is his first name?

12 A The name was SUZUKI, Sosaku.

13 Q Then with regard to the stamp or the seal on  
14 Court exhibit 3377, is it not unclear whether that  
15 stamp is of defendant SUZUKI or not?

16 THE MONITOR: That seal is.

17 A Before replying to that question, I should  
18 like to state to the Tribunal, if I may, that yester-  
19 day I said that the seal on the document was that of  
20 the accused SUZUKI. That was a hasty remark on my  
21 part, and I should like at this time to make an  
22 apology.  
23

24 THE MONITOR: Hasty and careless.

25 A (Continuing) In the Military Administration  
Section the accused SUZUKI was in charge of Manchurian  
problems, but questions pertaining to military organi-



1 zation were in the hands of SUZUKI, Sosaku. There-  
2 fore, I think that the seal "SUZUKI" on the document  
3 may have been the seal of SUZUKI, Sosaku.

4 MR. TAKAYANAGI: That's all.

5 THE PRESIDENT: Major Furness.

6 CROSS-EXAMINATION (Continued)

7 BY MR. FURNESS:

8 Q General KOISO, when did you become commander  
9 of the Korean Army?

10 A The 2nd of December, 1935.

11 Q You testified that the total strength of the  
12 Korean Army at the time that you took command was  
13 approximately twenty thousand. Was this strength in-  
14 creased at all prior to the Changkufeng Incident?

15 A About one year prior to the outbreak of the  
16 Changkufeng Incident the strength very greatly de-  
17 teriorated -- decreased.

18 Q Between the time of that decrease -- and what  
19 did it decrease to?

20 A With the outbreak of the China Incident the  
21 20th Division was brought under the command of the  
22 China Garrison Forces, and the unit remaining in Korea  
23 became a unit in absentia. Although I have no clear  
24 recollection as to the figures, I think the decrease  
25 was by some five to six thousand.

Q Was it, after that decrease, increased at all

1 prior to the time that you were transferred?

2 A After the reduction a reorganization of the  
3 border guards was carried out, and I think there was  
4 an increase of from five to six hundred.

5 Q And that reorganization brought up two  
6 battalions, is that correct?

7 A There was a reduction in two battalions --  
8 strike that, please. Two battalions were reduced or  
9 eliminated and three new battalions were created, so  
10 I think there was a net increase of one battalion.

11 Q And when was that done?

12 A I have no clear recollection, but it may  
13 have been in 1936 or possibly in 1937.

14 Q You testified that on July 3 Soviet cavalry-  
15 men were seen on the crest of Changkufeng Hill, that  
16 they were increased on the 11th, and by the 13th  
17 forty were observed on the crest of the hill. Had  
18 any Soviet troops been reported in that area prior  
19 to July, 1938?

20 A Prior to that, there had never been any  
21 stationary Soviet troops in that vicinity.

22 Q You testified that you received reports that  
23 Soviet troops were engaged in construction work on  
24 the 11th and 13th days of July, 1938. What sort of  
25 construction work was reported?

1           A    In my recollection, it was that the Soviet  
2 troops were digging trenches on the slope of the --  
3 in Manchurian territory.

4           Q    You mean on the western slope of Hill Chang-  
5 kufeng?

6           A    Yes, that is what it would amount to.

7           Q    I'll pass to another subject.

8                   On pages 32,429 and 32,430 you testified  
9 about certain actions relating to French Indo-China.  
10 As Prime Minister at that time, were you aware that  
11 De Gaulle, the head of the Provisional Government of  
12 France, which had been recognized by the Allies,  
13 which Allies were at war with Japan, had announced  
14 over Radio France on the 29th of August, 1944 that  
15 France had been at war with Japan since 8 December,  
16 1941?

17           A    No, I did not know anything about the broad-  
18 cast.  
19  
20  
21  
22  
23  
24  
25

M  
o  
r  
s  
e  
&  
W  
h  
a  
l  
e  
n

1 Q Had you been advised as Prime Minister that  
2 the Provisional Government of France had declared  
3 France was at war with Japan? I mean at the time that  
4 those actions were taken by the Japanese in 1945 re-  
5 garding which you have testified.

6 A At the Supreme Council for the Direction of  
7 War Foreign Minister SHIGEMITSU explained that even  
8 before the DeGaulle Regime had returned, or entered  
9 France, while it was still in Africa, it had declared  
10 war against Japan, and that even after its return to  
11 France that situation had not in any way changed.

12 THE PRESIDENT: Dr. UZAWA.

13 DR. UZAWA: I am Counselor UZAWA. In view  
14 of the fact that counsel for SHIRATORI is absent I  
15 should like to conduct a cross-examination in his  
16 place, or direct examination. I wish to ask the  
17 Court's permission.

18 THE PRESIDENT: Where is SHIRATORI's counsel?

19 DR. UZAWA: I think that in view of the fact  
20 that the transportation conditions on the electric  
21 tram cars are not good, he was not able to be here at  
22 this time.

23 THE PRESIDENT: Well, we need some substantial  
24 reason for permitting the change, Doctor.

25 MR. BROOKS: If your Honor please, if it is



direct examination it should follow my examination,

and that may give him a little further time under our rules.

DR. UZAWA: May I proceed with direct examination?

THE PRESIDENT: Not now. I think Captain Brooks' suggestion is a good one actually, and your examination will be direct and not cross-examination -- redirect.

Captain Brooks.

REDIRECT EXAMINATION

BY MR. BROOKS:

Q While you were in the War Ministry as the Chief of the Military Affairs Bureau, or as the Vice-Minister, did you ever have a look at the so-called secret diaries of the War Ministry?

A I have never seen this so-called great secret diary as compiled.

Q Now, was there, or is there any sign, seal, or otherwise on the documents filed in these secret diaries to show whether or not you or your superiors, either Vice-Minister or War Minister, ever had a look at them?

A Yes, distinctions can be made for, on inspection of any document, it can be noticed whether there

1 are any notations or markings indicating whether a  
2 particular person has seen the document or not.

3 Q Give us some examples of that, if you please,  
4 indicate what kind of a distinction or sign or mark?

5 A A seal or a signature.

6 Q That was routine procedure for documents that  
7 had been examined by any member of the War Ministry  
8 to notify his reading or looking at that document by  
9 placing his seal or signature on it, is that correct?

10 A Yes.

11 Q Were there or were there not documents filed  
12 in the secret diaries which were not brought to the  
13 notice of yourself or to your superiors?

14 A The two documents which I saw yesterday did  
15 not indicate that I nor the Vice-Minister nor the War  
16 Minister had seen them.

17 Q By that answer you mean there was no signa-  
18 ture nor seal placed upon them showing that they had  
19 been submitted for your examination?

20 A That is so.

21 Q Do you know of any reason why such documents  
22 that you have just referred to were not shown to you,  
23 or that you did not see them?

24 A Of course, there are various reasons, but  
25 in most cases when any matter is not adopted in the



1 lower levels and the matter is abandoned there, then  
2 the matter is finished after an oral report has been  
3 made of the outline. It indicates that the matter had  
4 been disposed of in the lower levels and had not been  
5 submitted to the higher levels for any advice.

6 MR. BROOKS: May the witness be shown the  
7 original of exhibit 3376? I believe that is an excerpt  
8 from exhibit 3038-B.

9 (Whereupon, a document was handed to  
10 the witness.)

11 MR. BROOKS: Also give the witness the  
12 Japanese copy of exhibit 3376.

13 THE PRESIDENT: Are any steps being taken to  
14 get in touch with SHIATOKI's counsel?

15 Proceed, Captain.

16 Q Witness, look at the middle of the ninth  
17 sheet of the text, excluding the covers, of the so-  
18 called "Study on the Organization of Military Police  
19 Force in Manchuria." Will you find there the sentence:  
20 "The basis of determination of the number of military  
21 police force in Manchuria on the peace time footing will  
22 be as follows"?

23 MR. BROOKS: Will you also give the witness  
24 defense document 2829?  
25

(Whereupon, a document was handed to

1 the witness.)

2 Q Can you find that place?

3 A I haven't found the place yet.

4 MR. BROOKS: I will have the Marshal hand  
5 you a Japanese copy of the defense document 2829 which  
6 you can compare to find the place. It is in the middle  
7 of the ninth sheet on the back side of the text of  
8 the Japanese original. This paragraph starts--

9 A Yes, I have found the place.

10 Q And you find the sentence that I have read  
11 to you there that appears in defense document 2829?

12 A May I have the defense document number re-  
13 peated?

14 Q The one you have in your hand. Starting with  
15 the words: "The basis of determination of the number  
16 of military police force in Manchuria on the peace  
17 time footing will be as follows."

18 A I know now.

19 MR. BROOKS: I offer defense document 2829  
20 as a supplement to IPS document No. 3203, which is  
21 exhibit 3376, an excerpt from exhibit 3038-B. These  
22 are part of the unread portions from which the exhibit  
23 3376 is an excerpt.  
24

25 THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Defense document 2829

1 will receive exhibit No. 3383.

2 (Whereupon, the document above re-  
3 ferred to was marked defense exhibit No. 3383,  
4 and received in evidence.)  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 MR. BROOKS: I will read paragraphs 1, 2, and  
2 3 and then the last paragraph of this document. I think  
3 simultaneous translation has been provided;

4 "The basis of determination of the number of MP  
5 force in Manchuria on the peace time footing will be as  
6 follows:

7 "To satisfy the war-time requirement of men.

8 "To cause no hindrance to the peace-time business  
9 of MP.

10 "To maintain harmony between the peace-time  
11 (organization) and the war-time (organization).

12 "For the above purpose, we have prepared a plan  
13 of organization, the gist of which is as follows:

14 "(Details are shown in Table III attached hereto,

15 "Headquarters of MP in Manchuria (at Mukden).

16 "Kwantung MP Unit: Port Arthur Section, Dairen  
17 Section, Tashichao Section, Yiu-kon Section: approximate-  
18 ly 200 men including chiefs."

19 That should be spelled y-i-u-k-o-w.

20 THE PRESIDENT: I am told it should be  
21 y-i-n-k-o-w.

22 MR. BROOKS: Y-i-n, that is right; Yinkow,  
23 y-i-n-k-o-w.

24 "Mukden MP Unit: Mukden, Liaoyan, Fushun,  
25 Lieushenkuan, Antung: approximately 300 men including



chiefs.

1 "Chanchun MP Unit (At Chanchun): Suupingai,  
2 Tielin, Kungchuling, Chanchun: approximately 400 men  
3 including chiefs.

4 "Independent MP Battalion (at Mukden):  
5 1st Section, 2nd Section: approximately 400 men includ-  
6 ing chiefs.

7 "As to the Independent MP (Battalion) in this  
8 table, the men will be first enlisted in other branch  
9 services for about 6 months and then joined in the  
10 service (of MP) for about one year. The bilateral  
11 system of conscription and volunteering will be adopted,  
12 following the example of the Navy. After one year and  
13 half of enlistment, that is to say, at the time of  
14 release from the MP Battalion, a number of the men will  
15 be posted as corporals in the Section. In other words,  
16 the Battalion will become an educational organ of MP.  
17 The Units other than the Independent Battalion will  
18 be active service organs, the system of which is more  
19 or less similar to the present one.

20  
21 "(2) According to the (plan of) organization  
22 above mentioned, we shall be able to command active  
23 MPs of approximately 400 men and educated MPs of  
24 approximately 400 men, the total of which will supply  
25 1,100 MPs annually, although their quality may vary in

1 some degree. Furthermore, the number of men released  
2 annually from each MP Unit will be recruited from the  
3 Independent Battalion, while the Independent Battalion  
4 will release those who are not sent to each Unit as  
5 recruits, thereby acquiring 400 MPs on reserve annually.  
6 After 10 years, approximately 4,700 MPs will be supplied  
7 by the total of 4,000 men, 400 multiplied by 10, (on  
8 reserve) and 700 men on active service. In the 11th  
9 year, approximately 5,000 men will be secured by adding  
10 4,400 and 700. Supposing that these men released from  
11 the Independent MP Battalion get the same limit of ser-  
12 vice years as ordinary conscripts, we shall be able to  
13 supply 7,000 MPs at all times during the period of 14  
14 or 15 years of the first and second reserve services.  
15 Considering the rate of decrease therefrom as 15% and  
16 the addition of NCOs (of MP) after the maturity of the  
17 second reserve service, the total number will not  
18 exceed 6,000 men.

19  
20 "Thus, ten or more years are required to  
21 supply 5,000 MPs. In order to supplement MP force  
22 until then, we must, first of all, fill up the number  
23 of 1,100 of active service MPs by the proposed amend-  
24 ment of the organization and adopt the system of  
25 temporary transfer of branch services to recruit the  
annual deficiency. For such purpose and in case of



1 some degree. Furthermore, the number of men released  
2 annually from each MP Unit will be recruited from the  
3 Independent Battalion, while the Independent Battalion  
4 will release those who are not sent to each Unit as  
5 recruits, thereby acquiring 400 MPs on reserve annually.  
6 After 10 years, approximately 4,700 MPs will be supplied  
7 by the total of 4,000 men, 400 multiplied by 10, (on  
8 reserve) and 700 men on active service. In the 11th  
9 year, approximately 5,000 men will be secured by adding  
10 4,400 and 700. Supposing that these men released from  
11 the Independent MP Battalion get the same limit of ser-  
12 vice years as ordinary conscripts, we shall be able to  
13 supply 7,000 MPs at all times during the period of 14  
14 or 15 years of the first and second reserve services.  
15 Considering the rate of decrease therefrom as 15% and  
16 the addition of NCOs (of MP) after the maturity of the  
17 second reserve service, the total number will not  
18 exceed 6,000 men.

19  
20 "Thus, ten or more years are required to  
21 supply 5,000 MPs. In order to supplement MP force  
22 until then, we must, first of all, fill up the number  
23 of 1,100 of active service MPs by the proposed amend-  
24 ment of the organization and adopt the system of  
25 temporary transfer of branch services to recruit the  
annual deficiency. For such purpose and in case of

1 need, temporary laws and regulations should be issued  
2 to cover the deficiency by means of the transfer of  
3 branch services."

4 Paragraphs 4 and 5 are omitted. I think part  
5 of that is in prosecution document 3376.

6 "We have, in the above, arrived at a plan of  
7 organization in peace-time by discussing the number of  
8 men required at war-time. Many aspects of the present  
9 condition of MP at home and abroad will not meet the  
10 demand of operation in future. The same will apply to  
11 MP Units in Korea and Japan proper. We must, there-  
12 fore, make further study and investigation and prepare  
13 a satisfactory solution for the harmony between the  
14 peace-time (organization) and the war-time (organization)!"

15 BY MR. BROOKS (Continued):

16 Q Now, Mr. Witness, what if anything do you have  
17 to say about exhibit 3376 and the supplement thereto,  
18 exhibit 3383? Do you have any further explanation of  
19 those documents?

20 A Then I will say a word. As the seal on this  
21 document indicates, I did not see the document at the  
22 time, but I recall that Colonel ANDO, Chief of the  
23 Military Service Section, gave me an oral report on  
24 the outline of this plan at the time. My recollection  
25 of the gist of the report is this: Colonel ANDO said

1 that Major General MINE, commander of the MPs, had sub-  
2 mitted his personal views on a matter the object of  
3 which was to bring about an expansion of the Kempeitai.  
4 Colonel ANDO further said that this was MINE's own  
5 idea and a highly fantastic one and impossible of  
6 execution. He then concluded his report, saying that  
7 such being the case he was not going to submit the  
8 matter to the Chief of the Military Affairs Bureau.

9 Q Than this matter wasn't -- this draft wasn't  
10 carried into action. Is that the interpretation of  
11 your statement?

12 A No, it wasn't carried into action.

13 Q And, as I understand, was shelved by the  
14 Military Police Section, is that correct?

15 A No, it was completely shelved and abandoned  
16 by the Military Service Section.  
17  
18  
19  
20  
21  
22  
23  
24  
25

D  
u  
d  
a  
&  
S  
p  
r  
a  
t  
t

1 MR. BROOKS: Service section.

2 Now, may the witness see exhibit 3377.

3 If your Honors please, I have only had time  
4 to make a cursory examination of these later docu-  
5 ments. The one I have just passed is the only one  
6 I have had a chance to thoroughly go into. There are  
7 a few errors I have picked up that I would call to  
8 the Court's attention, but there may be more.

9 Q This exhibit, Mr. Witness, appears to be  
10 from the Chief of Staff of the Kwantung Army, MIYAKE,  
11 to SUGIYAMA, Vice-Minister of War. In the certifi-  
12 cate it states, it refers to matters of sending of  
13 documents in regard to the draft plan for the current  
14 transitory organization in regard to the policy  
15 towards Manchuria and Mongolia. Now, I notice the  
16 day of its receipt is December 9, 1931. This is just  
17 one day prior to the resignation of the WAKATSUKI  
18 Cabinet. That is correct, is it not?

19 A Yes.

20 Q And the War Minister, MINAMI, resigned,  
21 that is the next day, on the 10th of December, 1931?

22 A Yes.

23 Q Now, what, if anything, do you have to say  
24 in relation to this document?

25 A As I stated to the Court yesterday, this



1 document was certainly prepared by the Kwantung  
2 Army, but there is nothing to indicate that the War  
3 Minister or the Vice-Minister or the Chief of the  
4 Military Affairs Bureau saw this document.

5 Q Then this draft plan or temporary system  
6 proposed by the Kwantung Army was handled by lower  
7 sections of the War Ministry; is that correct?

8 Can you tell whether it was ever put into  
9 effect or any further action taken upon the proposed  
10 plan?

11 A As far as the War Ministry authorities were  
12 concerned no directives of the kind were issued, but  
13 I do not know whether the Kwantung Army itself took  
14 any steps as are set forth in the plan indicated in  
15 this document.

16 MR. BROOKS: Now, may the witness see  
17 exhibit 3378-A.

18 If the Tribunal please, I wish to refer this  
19 exhibit 3378-A to the Language Arbitration Board to  
20 check the document, as there appear to be matters  
21 in the English copy covered by whole paragraphs that  
22 do not appear in the Japanese original document.

23 THE PRESIDENT: Well, we invite you to point  
24 out the latent deficiencies to Captain Kraft. You  
25 need not indicate them here, Captain Brooks.

1 MR. BROOKS: A few examples are the last  
2 paragraph of page 8, the entire pages 9 and 10, and  
3 other mistakes in translation that I think call for  
4 a complete revision of the document.  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



1 MR. BROOKS: A few examples are the last  
2 paragraph of page 8, the entire pages 9 and 10, and  
3 other mistakes in translation that I think call for  
4 a complete revision of the document.  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1        Now, Mr. Witness, on your examination of the  
2 Japanese original of this exhibit 3378-A, does it  
3 provide control of civil administration, or only mili-  
4 tary administration?

5        THE PRESIDENT: Colonel Fixel.

6        COLONEL FIXEL: I submit, if the Tribunal  
7 please, that the document should speak for itself,  
8 and the interpretation of the language would be a  
9 matter for the Tribunal rather than for the witness.

10       MR. BROOKS: I asked the witness on the  
11 Japanese original. This document in English overspeaks  
12 for itself; that is my complaint.

13       THE PRESIDENT: Then the matter is not for  
14 the witness, but for the arbitration board.

15       MR. BROOKS: I might also add, your Honor,  
16 that I wish also for him to point -- if there was any  
17 control of civil administration, he could point it out.  
18 It may save our recalling the witness later on.

19       THE PRESIDENT: We cannot permit him to perform  
20 our task for us.

21       MR. BROOKS: I was asking him to explain  
22 what is in the Japanese document, which I do not know  
23 and the Court does not know and apparently the prosecu-  
24 tion does not.

25       THE PRESIDENT: If the English of this exhibit

1 you are re-examining on is faulty, we should have it  
2 corrected at once and postpone your redirect examina-  
3 tion until we have the corrected version. I see no  
4 other course.

5 MR. BROOKS: We can do that, your Honor;  
6 however, I believe I would be satisfied with the  
7 answer to this question and not have to recall him  
8 later on, to save time.

9 THE PRESIDENT: The question is objected to  
10 and we must deal with it on its merits.

11 MR. BROOKS: Possibly I can withdraw the  
12 question and reframe it in a manner that would not be  
13 objectionable.

14 Q What control, if any, can you point out of  
15 civil administration as set out in this document?

16 A What is written here in this document pertains  
17 to Gunseibu, or a Military Administration Department,  
18 an organization which is identical with what was in  
19 our country the Ministry of War and the Ministry of  
20 the Navy. And, therefore, such an agency was not  
21 permitted to engage in any form of civil administration;  
22 and, therefore, it is only natural that anything per-  
23 taining to civil administration would not be included  
24 here. And as a matter of fact, there is nothing per-  
25 taining to civil administration in this document.

1 THE PRESIDENT: We will recess for fifteen  
2 minutes.

3 (Whereupon, at 1045, a recess was  
4 taken until 1100, after which the proceedings  
5 were resumed as follows:)

6 - - -

7 MARSHAL OF THE COURT: The International  
8 Military Tribunal for the Far East is now resumed.

9 THE PRESIDENT: Captain Brooks.

10 BY MR. BROOKS (Continued):

11 Q Have you finished your answer, Witness, on  
12 this exhibit?

13 A Yes.

14 MR. BROOKS: May the witness be shown exhibit  
15 3379-A.

16 (Whereupon, a document was handed  
17 to the witness.)

18 Q This appears to be a draft of an outline of  
19 general measures regarding customs duties in Manchukuo,  
20 dated December 12, 1932. What, if anything, do you  
21 have to say about this exhibit?

22 A No, I have nothing to say.

23 Q Did you see it?

24 (The witness examined the document.)

25 Q (Continuing) May I ask now, Mr. Witness, was



1 this draft or plan sent by you, as Chief of Staff of  
2 the Kwantung Army? Does it represent your opinion,  
3 or was it sent as part of your administrative duties?

4 A This was an opinion set forth by one SUZUKI,  
5 Boku, a financial and economic adviser attached to  
6 the Kwantung Army Headquarters, to the -- and sub-  
7 mitted to the commanding general of the Kwantung Army.  
8 This plan was adopted by the commanding general of  
9 the Kwantung Army and was sent in my name to the  
10 Central Army Authorities.

11 Q Had there been any previous study by the  
12 Central Army Authorities on this matter, and had  
13 they requested your observations from the field?  
14 When I say "your observations," I mean the observ-  
15 ations, of course, of the Kwantung Army.

16 A With regard to the customs question of Man-  
17 chukuo, nothing had been decided upon by the Central  
18 Authorities at the time I left Tokyo to assume my  
19 post as Chief of Staff of the Kwantung Army in August,  
20 1932, and the reason was that **relations** with the  
21 Third Powers were very delicate at that time.  
22 Generally, that was the reason.

23 I have no recollection that any requests  
24 were made by the Central Authorities in connection  
25 with this question following my assumption of office

1 in the Kwantung Army.

2 Q I direct your attention to the document, at  
3 the top of page 3 of the English text, under the  
4 words "Top Secret /stamp/," there is stated, "Now  
5 in study." Can you explain what that means?

6 A Yes.

7 Q Do so, please.

8 A As I have said, the Third Power relations  
9 in connection with the customs question was delicate  
10 at the time, and, for instance, if the commanding  
11 general of the Kwantung Army accepted opinions sub-  
12 mitted to him by the adviser and formulated a plan  
13 of this sort, even then there was considerable room  
14 for further study, because it was not known whether  
15 such a plan could immediately be put into practice.  
16

17 Q Do you know whether this plan was ever actually  
18 put in practice?

19 A As I have said before, I do not recall.

20 MR. BROOKS: I ask that the witness be shown  
21 exhibit 3380-A.

22 (Whereupon, a document was handed  
23 to the witness.)

24 Q What, if anything, do you have to say about  
25 this document?

A There is nothing special to mention.

1 Q Was it sent by you, as Chief of Staff of the  
2 Kwantung Army, as one of your administrative duties?

3 A This document, as I said yesterday, was some-  
4 what in the form of a reply to an inquiry made by the  
5 Central Authorities of the Kwantung Army in connection  
6 with various laws and regulations, and this reply,  
7 supposed to be made by the commanding general of the  
8 Kwantung Army, was sent in the name of the Chief of  
9 Staff of the Kwantung Army.

10 Q That was the customary procedure, to send  
11 from the Chief of Staff to the Vice War Minister, was  
12 it not?

13 A Yes, that is so.

14 Q And, it was also customary procedure, when  
15 a direct communication with the War Minister, to send  
16 it direct from the commanding general, is that true,  
17 depending upon the importance of the communication?

18 A Yes, as you say.

19 MR. BROOKS: May the witness see exhibit  
20 3381-A.

21 (Whereupon, a document was handed  
22 to the witness.)

23 Q This relates to the funds of the Kwantung  
24 Army. These funds were for the use of the army, were  
25 they not?

A Yes, as you say.

1 Q And, were handled in the same manner as you  
2 have testified to in relation to other funds sent on  
3 another occasion?

4 A Such procedures were taken by the Central  
5 Authorities when funds of this kind were sent to  
6 the Kwantung Army.  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



1           Q    These funds were used for the same purposes  
2           and under the same procedure as described in your  
3           affidavit, were they not, in relation to the amounts  
4           that had been sent at other periods?

5           A    Yes.

6           MR. BROOKS: Now, may the witness be shown  
7           exhibit 3382.

8           I believe that the Language Section has  
9           that, your Honor, at this time. I had asked him to  
10          make a check on the translators' notes that appeared  
11          on there, which I understand do not appear in the  
12          original, and ask for their interpretation of those  
13          Japanese phrases.

14          Is the Language Board ready to report on  
15          that at this time?

16          I understand they are not.

17          THE PRESIDENT: That is the accused's speech  
18          on the 17th of February, 1940, in the Diet -- the  
19          Budget Committee.

20          MR. BROOKS: IPS document No. 3030-N, exhibit  
21          3382. The questions which I wish to submit to the  
22          Language Board are interpretations of Hakko-Ichiu,  
23          Tengyo-Kaiko and Rikigo-Kento. Translators' notes  
24          appearing in this document I think should be stricken  
25          from the document because they do not appear in the

1 original form, and if the Court wants it translated,  
2 it should be done by the Court.

3 THE PRESIDENT: Any dispute will be settled  
4 by the Language Arbitration Board.

5 MR. BROOKS: I wish the Court would consider  
6 my application to strike the two translators' notes  
7 that appear there as not being proper.

8 BY MR. BROOKS (Continued):

9 Q Now, Mr. Witness, do you have anything to  
10 say in relation to this exhibit, 3382?

11 A I have not.

12 Q The movements you have discussed in this  
13 speech were for development. Did they consider  
14 economic development or economic intercourse between  
15 the nations alone?

16 A No, that was not included, but the meaning  
17 was peaceful economic development primarily.

18 Q Then, your statement was directed, rather,  
19 at the population problem, was it not?

20 A The population problem was secondary. The  
21 primary question was that of economic expansion or  
22 development.

23 Q And why was it necessary for this economic  
24 expansion?

25 A Of course, the question is related to the

1 population question, but Japan could not, by the  
2 produce of her own territory, her land -- could not  
3 maintain self-sufficiency. The principal method for  
4 Japan to survive was to import raw materials from  
5 outside sources, to process them and to increase the  
6 manufacturing capacity of such materials; and by  
7 exporting these products of Japanese industry, to  
8 procure by trade all the necessities of life in  
9 Japan, both raw material and otherwise.

10 Q Could she import such materials at this  
11 time without restriction?

12 A Yes.

13 Q Were there any countries at this time with  
14 which she could not do business?

15 A February 17, 1940, happened to be the time  
16 when the YONAI Cabinet was in office. At the time  
17 of the previous HIRANUMA Cabinet -- two cabinets  
18 previous -- that is to say, at the time of the HIRANUMA  
19 Cabinet, I recall that various restrictions were placed,  
20 economically and on trade by the United States.

21 Q Then, there were some restrictions that were  
22 causing Japan to seek products from new sources, is  
23 that not true?

24 A Among all the raw materials of which there  
25 was a severe shortage in Japan, and what was most the

1 center of discussion in connection with raw materials  
2 necessary for defense, was the question concerning  
3 oil.

4 Q Was that for military purposes alone?

5 A No.

6 Q Was the military percentage of such oil  
7 needed, a minor amount or a maximum amount of the  
8 total needs?

9 A In the Navy I think there was a considerable  
10 need, but I have no knowledge of the figures.

11 Q At this time there was much discussion pro  
12 and con among the ministers of State and representatives  
13 as to how to meet this problem, was there not?

14 A The Members of Parliament, as I have indicated,  
15 have, based on the view to which I already referred,  
16 made many repeated demands upon the Government to  
17 bend more efforts so as to enable Japan to secure --  
18 to obtain necessary raw materials from South Pacific  
19 areas through trade.  
20  
21  
22  
23  
24  
25



K  
a  
p  
l  
e  
a  
u  
&  
K  
n  
a  
p  
p

1 Q Was a decision reached at this time on how to  
2 meet this problem, and if so, what was it?

3 THE INTERPRETER: To the witness' previous  
4 reply there should be added, after "necessary raw  
5 materials," "chiefly petroleum."

6 A There is nothing special -- no special steps  
7 were taken by the YONAI Cabinet, but in my recollection  
8 representatives in the field, that is to say, consul  
9 generals, were conducting negotiations with the author-  
10 ities -- competent authorities of the other countries.

11 MR. BROOKS: I refer the Court to paragraph 20  
12 of exhibit 3375, the witness' affidavit, as to the Lake  
13 Khassan incident, and to page 22,751 of the record as  
14 to the witness TANAKA's statement.

15 I desire to read the question and answer which  
16 are set forth, that appear at page 22,751, and ask a  
17 question on it.

18 Question to TANAKA, the witness: "And what  
19 commanding general of the army issued the order about  
20 the concentration of troops, KOISO or NAKAMURA?"

21 Q The NAKAMURA referred to there, General KOISO,  
22 was the man that succeeded you on the 15th of July, 1938,  
23 was he not?  
24

25 A Yes.

Q TANAKA's answer: "I did not see any of these

1 documents directly or myself at the divisional head-  
2 quarters, but judging from common military knowledge  
3 I would say that the order for concentration was natural-  
4 ly given by Commander of the Army KOISO. I should like  
5 to add that this was not an order for attack; it was an  
6 order to concentrate."

7 Now, that is the man that you referred to in  
8 paragraph 20 of your affidavit, is it not, General  
9 KOISO?

10 A Yes, that is so.

11 Q Now, in relation to paragraph 22 of your  
12 affidavit, about your meeting with Ott, do you know  
13 whether Ott knew of your opposition in the past to the  
14 Tripartite Pact?

15 A Well, I do not know whether Ambassador Ott  
16 actually knew or not that I was opposed, but in view of  
17 the fact that Ott had many frequent social contacts  
18 with army officers, I would judge that he might have  
19 been informed by these army officers of my opposition,  
20 and knew what my feelings were on the subject, but this  
21 is only my own imagination based on the fact that he  
22 had close intercourse with army officers.

23 Q In your affidavit you stated that you thought  
24 he was confusing you as Overseas Minister with the  
25 Minister for Foreign Affairs. Now, thinking back on

1 this, might he not also have had this knowledge and  
2 been trying to influence your decisions for the future?  
3 I mean, of course, knowledge of your opposition to the  
4 Tripartite Pact.

5 COLONEL FIXEL: The prosecution objects to the  
6 question on the ground that it is leading, and also is  
7 highly speculative. The answer could not be based on  
8 any information that the witness would have.

9 MR. BROOKS: I will withdraw that question and  
10 ask it this way:

11 Q Was there any action or statement by Ott that  
12 now, thinking back on it, would lead you to think that  
13 he might be trying to influence your decisions in the  
14 future?

15 A When at these interviews with -- at this inter-  
16 view with Ott at least I considered that he, being an  
17 ambassador of a foreign power, would know what the real  
18 nature and character of the Ministry of Overseas Affairs  
19 was. Although I am not familiar with the English language  
20 the ministry over which I presided was called, in Eng-  
21 lish, the Ministry for Overseas Affairs, and probably it  
22 is because of some connotation in that title that he  
23 asked questions of me which he should, if he knew the  
24 distinction properly, address to the Foreign Minister.  
25

According to Ott's telegram, it is represented

1 that I, KOISO, invited him, but the fact was the other  
2 way around; he invited or he initiated this interview  
3 with me, and I entertained doubts to the reason why he  
4 would invite me to an interview.

5 At that time, that is to say at the time of my  
6 interview with Ott, that was all that I thought, and  
7 entertained some doubts as to the purpose of his wanting  
8 to meet me, but after this Tribunal opened there was  
9 some telegram offered in evidence, sent by Ribbentrop  
10 to Ott, to the effect that various moves should be taken  
11 in Japan to build up a political situation -- a political  
12 atmosphere in Japan as would desire -- create the desire  
13 among the Japanese to enter into an alliance with  
14 Germany, it came to -- it occurred to my mind that per-  
15 haps the telegraphic instruction from Ribbentrop to Ott  
16 included me as one of the targets to be utilized for the  
17 German purpose.

18

19

20

21

22

23

24

25



Q Now, Mr. Witness, in paragraph 25 you describe the action taken in relation to French Indo-China. Was this action taken after approval from the French authorities under an agreement with the Vichy Government?

A The pact of common defense was entered into between Japan and French Indo-China, the latter being represented by Governor General De Coux, who was acting under the directions of the Vichy Government. When I assumed the prime Ministership it appeared that De Coux had entered into De Gaulle's camp, and in connection with the effectuation of the pact for common defense between Japan and French Indo-China, the French Indo-China authorities were showing a very non-cooperative attitude. I knew that this was the situation when I assumed the Prime Ministership, and at that time, in the light of the changing military situation, the decision of the Supreme Council for the consideration of war, of February 1, was taken.

Q Now, as to this decision of the Supreme Command, that was within their competence and you had no connection therewith or responsibility therefor, is that correct?

A Being one of the composite members of the Supreme Council for the consideration of war, I con-

1 sider that any decision made by the Council -- I  
2 consider that I would be one of those responsible for  
3 any decision reached by that Council.

4 Q I am talking of the move of the Supreme Com-  
5 mand for taking certain measures of security in this  
6 area. You would have no connection or responsibility  
7 for such security measures as they might see fit to  
8 take, as it would be in their competence entirely as  
9 a military operation, is that not correct?

10 A I have no responsibilities in connection with  
11 High Command matters taken to carry out any policy on  
12 the spot.

13 Q Now, in relation to these dummy bombs and  
14 fireworks of the March Incident, how large was this  
15 package? Did you ever see it?

16 A I have never seen the package, but from what  
17 I have heard the amount was so small -- the amount was  
18 such that it could be carried in one suitcase and not  
19 more than two suitcases. My explanations seem to have  
20 been insufficient, but I was speaking of space suffic-  
21 ient to hold 300 shots.

22 Q You heard a witness testify here as to the  
23 size of the package as being handed from the train to  
24 one of OKAWA's **followers**. In describing it he said  
25 a man could easily carry that package of 300 bombs.

1 That was a correct statement, was it not?

2 A Yes, that is so, but from what I have read  
3 it wasn't a train but a city tram car.

4 THE INTERPRETER: Correction: From what I  
5 have heard it wasn't a train but a city tram car.

6 Q I will take your correction on that; I am not  
7 sure myself.

8 Anyway, it would not take an army truck to  
9 move these paper bombs?

10 A No, there was absolutely no such necessity.

11 Q And they were not of such a nature that they  
12 would blow up the Diet building or cause any destruc-  
13 tion of that nature, were they?

14 A It had no such power.

15 Q Now, in answer to one of Mr. Logan's ques-  
16 tions you said -- I think the last question -- that you  
17 could not deny that. Did you mean by this answer that  
18 you could affirm that such action took place?

19 A That I said was that I could not deny the fact  
20 that KIDO has heard from HARADA the alleged facts con-  
21 tained in court exhibit 179-F, an entry from KIDO's  
22 diary. That is because I don't know the source of  
23 KIDO's information.

24 Q In other words, you don't know whether that  
25 was true or not, but not having any knowledge you can't

1 either affirm or deny? Is that the effect of your  
2 answer?

3 A Yes.

4 Q Now, there was one other question Mr. Logan  
5 asked you that you started to make an explanation  
6 as to the reason for your statement. Do you care to  
7 continue any more on that?

8 MR. LOGAN: If the Tribunal please, when this  
9 question was raised there was no issue as to the con-  
10 tents of that diary entry. It was not raised in the  
11 affidavit originally; it was injected by the witness  
12 on cross-examination. It was a voluntary statement  
13 as to the correctness or incorrectness of whether or not  
14 there was such a statement made by KIDO in his diary.  
15 But the contents of it have never been in issue.

16 THE PRESIDENT: If necessary we will hear you  
17 after lunch, Captain Brooks.

18 (Whereupon, at 1200, a recess was  
19 taken.)  
20  
21  
22  
23  
24  
25



R  
e  
i  
c  
h  
e  
r  
s  
&  
Y  
e  
l  
d  
e  
n

## AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International  
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Captain Brooks.

- - -

K U N I A K I K O I S O, an accused, resumed the  
stand and testified through Japanese interpreters  
as follows:

MR. BROOKS: In regard to the question we  
were arguing just before adjournment, I wish to with-  
draw the question we were arguing as I have examined  
the record of proceedings for this morning's session  
and I find that the witness has already answered that  
he denied the facts set forth in exhibit 179-F as to  
such a meeting or plan, which I had overlooked.  
However, I do desire to call the Court's attention  
that a substantial correction of the translations of  
exhibit 179-F and page 1927 of the record was made by  
the Language Arbitration Board at court record, page  
21,340.

I understand that Mr. Caudle, SHIRATORI's  
counsel, wishes to make a statement in relation to the  
questions of this morning.

THE PRESIDENT: Mr. Caudle.

1 MR. CAUDLE: May it please the Tribunal,  
2 I have gone over the questions submitted to me by  
3 Mr. SHIRATORI to be asked the witness, General KOISO.  
4 At the lunch hour I discussed the questions with  
5 Mr. SHIRATORI and then we both decided they were not  
6 pertinent to the issue, and so I do not desire to  
7 question the witness.  
8

9 MR. BROOKS: Mr. Witness, are there any  
10 other corrections or matters which you have not fully  
11 explained which you desire to cover at this time?

12 THE WITNESS: There are none.

13 MR. BROOKS: Does the Court or prosecution  
14 care for any other questions?

15 COLONEL FIXEL: The prosecution has no further  
16 questions.

17 MR. BROOKS: Does the Court have any ques-  
18 tions, your Honor?

19 THE PRESIDENT: No.

20 MR. BROOKS: May the witness be excused --  
21 returned to the dock?

22 THE PRESIDENT: He will resume his place in  
23 the dock.  
24

25 (Whereupon, the witness was excused.)

MR. BROOKS: If the Tribunal please, we will

1 now call as our next witness, TOKUGAWA, Yoshichika.

2 - - -

3 Y O S H I C H I K A T O K U G A W A, called as a  
4 witness on behalf of the defense, being first  
5 duly sworn, testified through Japanese inter-  
6 preters as follows:

7 MR. BROOKS: This witness has testified  
8 previously, your Honor.

9 THE PRESIDENT: Yes, so I thought. You are  
10 still on your former oath although you have taken a  
11 fresh one.

12 DIRECT EXAMINATION

13 BY MR. BROOKS:

14 Q Please state your name and address.

15 A My name is TOKUGAWA, Yoshichika. My present  
16 place of residence is Mejiro-machi, Toshima-ku, Tokyo.

17 MR. BROOKS: I ask that the witness be shown  
18 defense document 2043.

19 Q Is this your affidavit and have you signed it?

20 A This is my affidavit and I have signed it.

21 Q Are the contents thereof true and correct?

22 A The contents are true and correct.

23 MR. BROOKS: I now offer in evidence defense  
24 document 2043.

25 THE PRESIDENT: Mr. Sutton.

1 MR. SUTTON: May it please the Tribunal,  
2 the prosecution objects to this affidavit on the  
3 ground that it is repetitive. This witness, when he  
4 testified before the Tribunal, was cross-examined  
5 at length on the same subjects that appear in the  
6 present affidavit. His cross-examination is found  
7 at pages 1443 to 1449 of the record.

8 If the Tribunal desires, counsel can point  
9 out to the Tribunal the specific subjects that are  
10 contained in the present affidavit and where they  
11 appear in the original cross-examination.

12 MR. BROOKS: This affidavit is offered to  
13 clarify certain points regarding KOISO and the March  
14 Incident and to lay the basis for a motion to strike  
15 exhibit 158, court record page 1440. In the certifi-  
16 cate to exhibit 158 it is stated by the prosecution's  
17 witness, Jerry Sumiyoshi, that exhibit 158 was read  
18 to this witness in Japanese. On court record page  
19 1440, lines 13 and 14, in answer to the prosecutor's  
20 question, this witness stated that this affidavit was  
21 not read to him in Japanese. Again on page 1443 of  
22 the record on cross-examination the witness again  
23 stated that he had not read the Japanese text of the  
24 affidavit and goes on to state on line 22 of that page  
25 that he could not tell whether the translation was



1 correct or incorrect because he didn't hear it in  
2 Japanese, thereby impeaching the prosecution's own  
3 witness to the certificate and making said exhibit  
4 valueless, for as shown by the cross-examination at  
5 that time and as further clarified in his present  
6 affidavit, defense document 2043, the statements made  
7 in exhibit 158 were not true and correct and this  
8 affidavit clarifies all these points for he has had  
9 the opportunity to read and compare both the Japanese  
10 and English texts.

11 Therefore, on the basis of the present  
12 affidavit we will ask the Court to consider a motion  
13 to strike exhibit 158 and to strike the matter  
14 relating thereto as set out beginning on court record  
15 page 1440. The presentation of this affidavit will  
16 save considerable time in examining over these matters  
17 and it has been thoroughly understood as the affidavit  
18 will speak for itself if the Court will examine the  
19 first few paragraphs.

20 THE PRESIDENT: His examination is rather  
21 peculiar. This appears at page 1443:

22 "Q Mr. Witness, you have just said that you  
23 have not read the Japanese text of this affidavit, is  
24 that correct?

25 "A I can't hear you very well. Please

repeat it.

1           "Q You have said that you did not read  
2 the Japanese text of the affidavit, is that true?

3           A Yes, it is. Yes, it is true. I didn't  
4 hear it in Japanese."

5           MR. BROOKS: If your Honor please, also on  
6 page 1440 of the record under the direct examination  
7 of Mr. Helm, the question: "Was this affidavit read  
8 to you in Japanese?" "No, it was not."

9           MR. SUTTON: May I call the Court's  
10 attention--

11           MR. BROOKS: And that in the face of the  
12 certificate attached to exhibit 158 which impeaches  
13 their own witness.  
14

15           Since the original of this was in English,  
16 which the witness thought he understood, why, I say,  
17 that since it is apparent from the cross-examination  
18 set out in this affidavit that I am offering now, I  
19 think this matter can be cleared up and that previous  
20 errors and misstatements can be cleared up so that no  
21 damage will be done and save a lot of time. My  
22 motion to strike that, of course, goes since the  
23 affidavit read to the Tribunal is under a false  
24 certificate as their own witness has testified,  
25 their own affiant, on direct examination and

cross-examination.

1 THE PRESIDENT: He said he read it in  
2 English and that the statements in English were  
3 true. What more do we want? And he was cross-  
4 examined fully.

5 MR. BROOKS: That is explained in the  
6 present affidavit being offered, your Honor.

7 THE PRESIDENT: Anyway, we have heard the  
8 Japanese translation of what was read in court in  
9 English, as I am reminded.

10 MR. BROOKS: And that explains his answers  
11 on cross-examination which are diametrically opposed  
12 to everything in the other affidavit, your Honor, and  
13 in the affidavit I am offering--

14 THE PRESIDENT: You can rely on that cross-  
15 examination. There is really no occasion for a fresh  
16 affidavit. No Member of the Court thinks so, at all  
17 events.

18 MR. BROOKS: If the Court please, I would  
19 like to be heard further on that because of the  
20 reason of an objection being made at the time that  
21 we could not -- the Japanese counsel who was cross-  
22 examining could not understand what questions to  
23 ask the witness because he couldn't read the English  
24 and I was foreclosed from examining because at that  
25

1 time the rule was that only one counsel could examine.

2 THE PRESIDENT: I am afraid we are all  
3 against you, Captain Brooks. The objection is upheld  
4 and the document rejected.

5 MR. BROOKS: May I further examine this  
6 witness then, your Honor, as to the falsity of the  
7 affidavit which you have on record, which does not  
8 have a proper certificate.

9 THE PRESIDENT: There is no finding on the  
10 value of the certificate by the Tribunal, which alone  
11 makes findings. The grounds for excluding the further  
12 affidavit, or the affidavit, are also the grounds for  
13 not hearing you further.  
14

15 MR. BROOKS: I ask the Court then to consider  
16 a motion to strike the exhibit, 158, since we have  
17 the witness on the stand, who says it is not his  
18 affidavit and that it is not correct, and I am willing  
19 to prove it.

20 THE PRESIDENT: The application is refused.

21 MR. BROOKS: I understand you have no further  
22 use for this witness then?

23 THE PRESIDENT: None. The witness is released  
24 on the usual terms.

25 (Whereupon, the witness was excused.)

MR. BROOKS: I would like to have for the



1 record, your Honor, defense document 2043 marked  
2 for identification only to show a proffer of proof  
3 and an attempt to disprove a false affidavit.

4 THE PRESIDENT: Provision has already been  
5 made to list rejected documents and for stating the  
6 reasons for such rejection and for including them in  
7 the record.

8 MR. BROOKS: I am applying under that  
9 provision.

10 THE PRESIDENT: It operates automatically.

11 MR. BROOKS: I would like this one given an  
12 exhibit number, your Honor, because I intend to  
13 argue this later, for identification.

14 THE PRESIDENT: You can have anything marked  
15 for identification.

16 Mark it for identification.

17 CLERK OF THE COURT: Defense document 2043  
18 will receive exhibit No. 3384 for identification only.

19 (Whereupon, the document above  
20 referred to was marked defense exhibit  
21 No. 3384 for identification only.)

22 MR. BROOKS: We now offer for identification  
23 only the official regulations dealing with the organi-  
24 zation of the War Ministry from 1920 to 1935.  
25

THE PRESIDENT: There is "Exhibit 74" noted

1 against this, Captain Brooks.

2 MR. BROOKS: That is a little further on,  
3 your Honor.

4 CLERK OF THE COURT: "War Ministry General  
5 Affairs Regulations" will receive exhibit No. 3385  
6 for identification only.

7 (Whereupon, the document above  
8 referred to was marked defense exhibit  
9 No. 3385 for identification only.)

10 MR. BROOKS: Defense document 2562, which is  
11 an excerpt therefrom, is offered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Defense document 2562  
14 will receive exhibit No. 3385-A.

15 (Whereupon, the document above  
16 referred to was marked defense exhibit  
17 No. 3385-A and received in evidence.)  
18  
19  
20  
21  
22  
23  
24  
25

W  
h  
a  
l  
e  
n  
&  
H  
o  
r  
s  
e

1 MR. BROOKS: This document is offered for the  
2 purpose of showing that the Defendant KOISO was not  
3 responsible for the control of the Army budget while  
4 Chief of the Military Affairs Bureau but that the Chief  
5 of the Intendance Bureau was responsible for control  
6 of the budget during this period of time and that it was  
7 only after later revisions that the regulations were  
8 amended and revised and a new clause inserted making  
9 control of the general budget part of the duties of the  
10 Military Affairs Bureau. This may be seen in exhibit 74  
11 which is a 1942 revision and by reference to the  
12 witness' testimony especially at record page 27717,  
13 line 17 of the record, and shows that the defendant  
14 KOISO could not have controlled the expenditures relat-  
15 ing to the Army expenses of the Manchurian Incident  
16 regardless of whether they had Imperial Sanction or not.

17 This excerpt shows the duties of the Chief of  
18 the Military Affairs Bureau and will not be read into  
19 evidence but is offered to show that the Chief of the  
20 Military Affairs Bureau did not have control of the  
21 budget but that it was under the control of the Chief of  
22 the Intendance Bureau which may be ascertained by the  
23 Tribunal's examination. Attention is called to Article  
24 23, Sections 4, 5 and 6, and Article 24, Section 3,  
25 which bears out the above statement.

HIYOSHI

DIRECT

32,486

1 THE PRESIDENT: You don't propose to read it  
2 after that explanation?

3 MR. BROOKS: No, sir. We next call the witness  
4 HIYOSHI, Takohiko.

5 - - -

6  
7 T A K E H I K O H I Y O S H I, called as a witness on  
8 behalf of the defense, being first duly sworn,  
9 testified through Japanese interpreters as follows:

10 DIRECT EXAMINATION

11 BY MR. BROOKS:

12 Q What is your name and address?

13 A My name is HIYOSHI, Takehiko. My address is  
14 1835, 2 Chome, Nogata-cho, Nakano-ku, Tokyo.

15 MR. BROOKS: I ask that the witness be shown  
16 defense document 2560 (Revised).

17 (Whereupon, a document was handed to  
18 the witness.)

19 Q Is this your affidavit and did you sign it?

20 A This is my affidavit and I have signed it.

21 Q Is it true and correct?

22 A Yes.

23  
24 MR. BROOKS: We now offer in evidence defense  
25 document 2560.

THE PRESIDENT: Mr. Sutton.



1 MR. SUTTON: May it please the Tribunal, the  
2 prosecution objects to the last sentence of the first  
3 paragraph on page 3, being lines 4 and 5 on page 3,  
4 beginning with the words, "the expenditures". Objection  
5 is also made to the last sentence in the next to the  
6 last paragraph on page 3, beginning with the word "there-  
7 fore", and to the entire last paragraph of the affidavit  
8 on the grounds that these are statements of opinion and  
9 conclusions.

10 MR. BROOKS: If your Honor please --

11 THE PRESIDENT: KOISO is allowed to say some-  
12 thing like that.

13 MR. BROOKS: If your Honor please --

14 THE PRESIDENT: It is rather petty. Still I  
15 wouldn't say they weren't exactly sound objections.

16 MR. BROOKS: I will agree to the first correc-  
17 tion of the last sentence of the first paragraph of  
18 page 3, "The expenditures of the funds were thus made  
19 justly." That should be deleted. I overlooked it.

20 But as this witness served under General KOISO,  
21 then Chief of Staff of the Kwantung Army, as an Intendence  
22 officer attached to the Control Department, Headquarters,  
23 Kwantung Army, and handled the disbursement of secret  
24 funds, this witness should be able to clarify the uses  
25 made of its secret funds by the Kwantung Army and

1 particularly of the 1,970,000 yen sent from the Vice-  
2 Minister of War to the Chief of Staff of the Kwantung  
3 Army on the 27th of December, 1933. And because of  
4 his position he should have peculiar knowledge, his  
5 being in control of the expenditures, whether such could  
6 be appropriated for private use or for personal benefit  
7 of any superior officer or anyone else or whether such  
8 actually took place, and I say that these statements  
9 are statements of fact rather than opinion due to his  
10 peculiar knowledge and could be readily examined into  
11 on cross-examination.

12 The first sentence I do agree should be dropped.

13 THE PRESIDENT: Well, the document is admitted  
14 on the usual terms except as to the sentence you have  
15 agreed not to read.

16 MR. BROOKS: Thank you.

17 CLERK OF THE COURT: Defense document 2560 will  
18 receive exhibit No. 3386.

19 (Whereupon, the document above  
20 referred to was marked defense exhibit No.  
21 3386 and received in evidence.)

22 MR. BROOKS: I will now read from defense docu-  
23 ment 2560, exhibit 3386, omitting the formal parts:

24 "I graduated from the Army Intendence school  
25 in April, 1919. In December of that year I was

1 commissioned an Intendance 2nd Lieutenant.

2 "In August 1933, when I was a Captain, I was  
3 appointed paymaster attached to the Administrative  
4 Department of the Kwantung Army Headquarters.

5 "In August 1935 I was transferred to the  
6 Intendance Department of the Kwantung Army Headquarters.

7 "Later in August 1943 I was promoted to the  
8 rank of Intendance Colonel and remained so until the  
9 termination of the war.

10 "During the period between August 1933 and  
11 August 1935 I was paymaster of the Administrative  
12 Department of the Kwantung Army Headquarters and had  
13 charge of the accounts of the secret service funds of  
14 the Kwantung Army by order of the Vice-Chief of Staff  
15 and the Senior Adjutant under the supervision of the  
16 Chief of the Staff of the Kwantung Army. Therefore I  
17 know well how we spent the secret service funds amount-  
18 ing to 1,970,000 yen sent from the Vice-Minister of War  
19 to the Chief of the Staff of the Kwantung Army on  
20 December 27, 1933.

22 "At that time peace and order in Manchuria had  
23 not been completely attained as yet so the Kwantung Army  
24 made efforts to establish it in accordance with the  
25 Japan Manchukuo protocol.

"Therefore, the said fund was spent for these

HIYOSHI

DIRECT

32,490

1 purposes: Primarily for gathering information, for  
2 propaganda and for purchasing weapons from Chinese  
3 Bandits etc., partly spent for supplementing general  
4 expenditure, namely, for entertaining and paying wages  
5 where necessary in the execution of general business.  
6 And it was expended by Army Headquarters, the Division,  
7 the Brigade, the Independent Garrison, Kempeitai and the  
8 Special Service Office, all of whom were carrying out  
9 their duty of establishing peace and order and thus  
10 was this spent in assisting them to accomplish their  
11 respective duties. Next if we are to add the procedure  
12 for application concerning these expenditures, they were  
13 as follows:  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



1 "As for the apportionments from the Kwantung  
2 Army Headquarters, each section of the Staff Department  
3 under the command of the Kwantung Army applied in  
4 accordance with its own decided plan, for the definite  
5 sum desired, and after the applications were in, they  
6 were assessed by the Vice-Chief and the Chief of  
7 Staff; then the Administrative Office informed the  
8 approved sum to the sections concerned.

9 "The units which received their notices in-  
10 forming them of their respective apportioned sums out  
11 of the secret service funds were able to use them on  
12 the responsibility of the commanding officer of each  
13 unit. According to regulations, the expenditures were  
14 reported through channels to higher units every month.  
15 After examining these reports, the Kwantung Army Head-  
16 quarters then reported the matter to the War Ministry.

17 "The reports were made with the duplicate  
18 copies of the originals and the originals were kept  
19 in custody of the units concerned.

20 "As to the whereabouts of the originals and  
21 duplicates sent to the War Ministry, I do not know  
22 where they are now as I was later transferred to  
23 another locality.

24 "Further, the disbursements of secret service  
25 funds were strictly regulated by such independent

1 systems as disbursing officers, accounting officers  
2 and inspectors of settled accounts. Therefore, it  
3 was impossible to spend it for one's private purposes  
4 or to make a profit on it because of the system itself.

5 "Under these circumstances, KOISO, Chief of  
6 Staff, could never have appropriated any for his own  
7 benefit, and these funds were not used in any manner  
8 as payment in reward for services of officers of the  
9 Japanese Army."

10 I wish also at this time to offer defense  
11 document 2661, a certificate of non-availability as  
12 to documents referred to therein. And by agreement  
13 with the prosecution the following part of the first  
14 paragraph may be deleted: "Because they were destroyed  
15 by fire or seized by the Allied Forces." And if the  
16 documents are found, your Honor, I will see that they  
17 are presented.

18  
19 THE PRESIDENT: Well, I don't know what the  
20 effect of that is, but it is admitted on the usual  
21 terms with that deletion.

22 CLERK OF THE COURT: Defense document 2661  
23 will receive exhibit No. 3386-A.

24 (Whereupon, the document above re-  
25 ferred to was marked defense exhibit No. 3386-A  
and received in evidence.)

1           MR. BROOKS: Now, may the witness see ex-  
2           hibit 3381-A? This is the exhibit that was intro-  
3           duced on KOISO's cross-examination referring to a  
4           further sum of 3,000,000 yen that was paid at a  
5           different period.

6                     (Whereupon, a document was handed  
7           to the witness.)

8           Q     Now, Mr. HIYOSHI, having examined that docu-  
9           ment, were these the same kind of funds as mentioned  
10          in your affidavit when you are talking about the  
11          1,970,000 yen, and were they used for similar purposes  
12          and under the same procedure as the funds were used  
13          and as you have described in your affidavit?

14          A     The funds are the same nature as the one to  
15          which I refer in my affidavit.

16                   MR. BROOKS: You may cross-examine.

17                   MR. SUTTON: May it please the Tribunal, the  
18                   prosecution does not desire to cross-examine.

19                   MR. BROOKS: May the witness be excused on  
20                   the usual terms?

21                   THE PRESIDENT: He is excused accordingly.

22                             (Whereupon, the witness was excused.)

23                   MR. BROOKS: We will call as our next witness,  
24                   IWAKURO, Takeo.  
25

1 H I D E O I W A K U R O, called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as  
4 follows:

5 DIRECT EXAMINATION

6 BY MR. BROOKS:

7 Q What is your name and address?

8 A My name is IWAKURO, Hideo. I live at 789.  
9 Dennenchofu, 2 chome, Ota-ku, Tokyo-to.

10 MR. BROOKS: May the witness see defense  
11 document 2567, revised?

12 (Whereupon, a document was handed to  
13 the witness.)

14 Q Is that your affidavit and have you signed  
15 it?

16 A This is my affidavit, and I have signed it.

17 Q Are the contents thereof true and correct?

18 A Yes; true and correct.

19 MR. BROOKS: I now offer into evidence de-  
20 fense document 2567.

21 THE PRESIDENT: Mr. Sutton.

22 MR. SUTTON: If it please the Tribunal, the  
23 prosecution objects to and moves the Tribunal to  
24 strike out the following portions of this affidavit:  
25

All of Section 3 of the affidavit which



1 appears on pages 2 and 3, except the first paragraph  
2 thereof.

3 The reference to General TATEKAWA's mission  
4 in the second paragraph of Section 3 is, we respect-  
5 fully submit, repetitive and belongs in the general  
6 phase. The statement in the rest of this section as  
7 to Japan's military equipment in 1931 is immaterial,  
8 does not prove whether or not Japan was planning ag-  
9 gressive war, and if it were pertinent would belong in  
10 the general phase. The last four paragraphs of this  
11 section make no reference to KOISO.

12 Objection is made to all of Section 4, pages  
13 3 and 4 of the affidavit, on the ground that if perti-  
14 nent it would belong in the general phase, and it con-  
15 tains nothing especially applicable to the defendant  
16 KOISO. The attitude of the leaders of the War Minis-  
17 try described in the first paragraph of Section 4,  
18 what this witness learned from Colonel ANDO's address  
19 recited in the second paragraph of Section 4, and what  
20 steps this witness took to increase funds for sup-  
21 plies, as recited in the last paragraph of Section 4,  
22 are, we respectfully submit, quite immaterial.

23 Objection is made to all of Section 5, page  
24 4, in which the witness attempts to explain and con-  
25 strue exhibit 230.

1 All of Section 7, pages 5, 6 and 7 of the  
2 affidavit, are objected to on the ground that this  
3 evidence of alleged banditry and steps taken to se-  
4 cure peace and order, if proper, would belong in the  
5 general phase. In the last paragraph of this sec-  
6 tion the witness gives his opinions and conclusions  
7 concerning the views of the defendant KOISO, refers  
8 to his character, and then negates his discussion  
9 with the final statement that, "The Japanese enter-  
10 prises showed little activity in establishing them-  
11 selves."

12 All of the last paragraph of Section 9 of  
13 the affidavit, being that portion of Section 9 which  
14 appears on page 8, beginning with the words on the  
15 first line of page 8, "who was of the opinion" and con-  
16 tinuing to the end of Section 9. The witness purports  
17 to give the opinion of the army commander who suc-  
18 ceeded KOISO and then his own opinion as to the motive  
19 for action taken.

20 We object to the last sentence in Section 10  
21 of the affidavit, beginning with the words, "in reply  
22 to this" and continuing to the end of the affidavit,  
23 on the ground that the letter referred to therein is  
24 not produced nor the failure to produce it properly  
25 accounted for.

1           Since those portions of the affidavit to  
2 which objection is not made throw such little light  
3 on the issues before the Tribunal, we respectfully sub-  
4 mit that the affidavit should be rejected in toto.

5           MR. BROOKS: If the Court please, I want to  
6 first point out the objection of the prosecution  
7 that this material, if it does have relevance and  
8 probative value, should have been introduced in the  
9 general phase and, therefore, should be excluded now,  
10 I want to submit that that is not a proper objection  
11 since the prosecution has been allowed to reopen  
12 their case and have been allowed to put in general  
13 evidence against all accused, that that right to pro-  
14 duce other evidence should not be denied the defense  
15 while it is allowed to the prosecution.

16           Now, this witness was a member of the Material  
17 Procurement Mobilization Bureau of the War Ministry  
18 from March 1928 to August 1932. He was a staff officer  
19 of the Kwantung Army in 1932 and 1934 during the same  
20 period that General KOISO was, and in February 1937  
21 was Chief of the Military Administration Section of  
22 the Military Affairs Bureau. He is able to testify  
23 as to KOISO on the Manchurian problem, and will show  
24 that KOISO was opposed to the formation of the Tri-  
25 Partite Pact while Overseas Minister.

D  
u  
d  
e  
&  
S  
o  
r  
a  
t  
t

1 As to the objections of the prosecution to  
2 paragraph 3, this is in substantiation of the state-  
3 ment made by General KOISO himself in his affidavit  
4 while in the box, and goes to the problems dealt with  
5 by him while holding the official capacity described  
6 by him at that time. It further explains the condi-  
7 tions and reasons for certain other actions.

8 As to the objection to all of section 4,  
9 pages 3 and 4 of the affidavit, this explains defi-  
10 nitely the actions taken while the witness and KOISO  
11 were involved with handling the Manchurian Incident  
12 upon its report. The telegrams referred to therein  
13 will be put in evidence in General MINAMI's case in  
14 a group because several defendants are relying upon  
15 the same telegrams. This statement substantiates  
16 KOISO's statement in his affidavit as to the activi-  
17 ties and the considerations that they studied before  
18 taking any action at the time.

19 As to section 5, page 4, this exhibit 230  
20 has been testified to by KOISO and the statement of  
21 this witness is in substantiation of the statements  
22 made by KOISO, as to a reply being requested, et  
23 cetera, and this officer was one of the staff officers  
24 serving with KOISO at the time and should know.

25 As to section 7, pages 5, 6, and 7, as to



1 the allegations as to banditry, I wish to bring out  
2 by this witness, who was in the office at the time  
3 near KOISO and working with him, that such knowledge  
4 of such acts affected these public officials, as  
5 KOISO has set forth in his affidavit; that reports  
6 of banditry had to be dealt with and influenced the  
7 decisions at later periods and accounts for some of  
8 the action taken and some of the explanations given  
9 by KOISO in his affidavit. This especially sub-  
10 stantiates KOISO's affidavit on page 6 where it  
11 discusses the labor service corps and the way this  
12 banditry was dealt with, by buying weapons and  
13 returning them to peaceful pursuit.  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 The general part of the evidence supplements  
2 that which is already in evidence to a large extent,  
3 and connects and ties in KOISO's case so that he can  
4 take advantage of that evidence that has been put in  
5 in general phases. The only way we can make use of  
6 the evidence in the general phase is in such a manner  
7 as this by reference to it of specific parts on speci-  
8 fic points, and supplementing it to fit an individual  
9 case upon which sometimes other defendants would not be  
10 affected at all.

11 As to the last paragraph of section 9 of the  
12 affidavit, being the portion appearing on page 8,  
13 beginning with the words "...who was of the opinion..."  
14 this is proper as this man was a staff officer and  
15 knew what the opinion was as it would be discussed in  
16 a staff meeting, and it states whose opinion it was  
17 and who acted upon it: the Commander of the Kwantung  
18 Army.  
19

20 In the last sentence in section 10, beginning  
21 with the words "In reply to this..." the letter in  
22 that case I do not think is available. We have been  
23 making a search for it, your Honor. I do not think it  
24 is in process yet. I do not think it has been found.  
25 It may be that the Court could properly reject that  
part; however, as soon as I have completed bringing

1 in the affidavits of non-availability, I would ask  
2 later to put this in by way of secondary evidence,  
3 and I feel that this could be received at this time,  
4 subject to being disregarded if I do not show definitely  
5 that it can be produced.

6 That is all I have, your Honor. Thank you.

7 THE PRESIDENT: Mr. Sutton, will you kindly  
8 indicate again just what parts you object to, or  
9 check what I say.

10 Oh, I have them here. Yes, they are all right.  
11 I have mine marked in accordance with this.

12 By a majority, the Court upholds the objections  
13 and rejects the document to the extent that it is  
14 objected to.

15 MR. BROOKS: I take it that that is all of  
16 section 3 of the affidavit which appears on pages 2  
17 and 3, except the first paragraph, your Honor.

18 THE PRESIDENT: There is still quite a lot  
19 left.  
20

21 MR. BROOKS: And all of section 4, pages 3  
22 and 4 of the affidavit; all of section 5 of page 4,  
23 and all of section 7, pages 5, 6 and 7; all of  
24 section 9.

25 THE PRESIDENT: No; all of the last paragraph.

MR. BROOKS: All of the last paragraph of

1 section 9, beginning with the words "...who was of  
2 the opinion..."

3 THE PRESIDENT: That is right.

4 MR. BROOKS: And the last sentence in section 10,  
5 "In reply..." Is that correct, your Honor?

6 THE PRESIDENT: That is right.

7 Call out the number, and it can be read after  
8 the recess.

9 CLERK OF THE COURT: Defense document 2567  
10 will receive exhibit No. 3387.

11 (Whereupon, the document above  
12 referred to was marked defense exhibit  
13 No. 3387 and received in evidence to the  
14 extent above mentioned.)

15 THE PRESIDENT: We will recess for fifteen  
16 minutes.

17  
18 (Whereupon, at 1445, a recess was  
19 taken until 1500, after which the proceedings  
20 were resumed as follows:)

21  
22  
23  
24  
25



L  
e  
f  
f  
e  
r  
&  
W  
o  
l  
f

MARSHAL OF THE COURT: The International  
Military Tribunal for the Far East is now in session.

MR. BROOKS: I now read defense document  
2567, exhibit 3387, omitting the rejected parts.

THE PRESIDENT: Yes.

MR. BROOKS: I also omit the formal parts,  
starting:

"In March 1928, I was attached to a section  
in the Maintenance Bureau of the War Ministry, and  
in August 1932 was transferred to assume the office" --  
I think that should be "...on the staff of the  
Kwantung Army. After two years in Manchukuo, I  
returned and served as member of the General Staff  
(Headquarters), and junior secretary in the Manchurian  
Affairs Bureau, whereupon in February 1937 was  
appointed section chief for War Affairs in Military  
Affairs Bureau. Later in 1939, I was dispatched to  
the U.S.A. to assist Ambassador NOMURA. Since then  
I have taken several posts as regimental commander  
in the infantry, and at the time of termination of  
war was Chief Staff Officer of the 28th Army at the  
Burmese Front.

"2. It was since 1 August 1929 when General  
KOISO, then Major General, came to assume his office  
as Chief of Maintenance Bureau, I myself serving as

1 his subordinate, that I for the first time became  
2 acquainted with him. Later during the General's  
3 tenure of office as Chief Staff to the Kwantung  
4 Army, I also served therein.

5 "3. As Chief of Maintenance Bureau, (From  
6 August 1929 to August 1930), the General was greatly  
7 distressed then about the ill-equipment of our army  
8 and munition industry, and would repeat that it was  
9 more than necessary for Japan to avoid war by all  
10 means. General KOISO, being transferred to Bureau  
11 Chief for Military Affairs in August 1930, was confronted  
12 with the dispute between Japan and China, especially  
13 with the strained situation in connection with  
14 Manchuria."

15 I now skip to page 5, ~~rather~~ paragraph 6:

16 "6. I shall state next as to the condition  
17 of peace and order in Manchukuo at the time of my  
18 assumption of post in the Kwantung Army. The order  
19 was issued, appointing me as member of staff to the  
20 Kwantung Army, on 8 August 1932. When I arrived at  
21 the Headquarters in the Totaku Building in Mukden  
22 on 26 August via Chosen and in company with Army  
23 Commander MUTO and Chief of Staff Officer KOISO,  
24 the bandits were actively carrying out underhand  
25 disturbance movements. Night trains would often be

1 held up, and the situation went far as to our  
2 suffering attacks by bandits at the aerodrome  
3 outside the walls of Mukden city late in September.

4 "In pursuance to Army Commander MUTO's  
5 intention, General KOISO as Chief Staff to the  
6 Kwantung Army directed his staff to draft policies  
7 for cooperation with Manchukuo along the following  
8 lines:

9 "(1) Restoration of public peace and order.

10 "(2) Maintenance of transport and  
11 communication.

12 "(3) Development of industry."

13 I now skip to paragraph 8 on page 7:

14 "8. A certain KYOWA Association (T.N. The  
15 Association of Harmony) had been organized in  
16 Manchukuo, which however tended to lapsing into a  
17 political body of a 'one party for one state' char-  
18 acter. Pursuant to instructions of Army Commander  
19 MUTO, General KOISO advised the president of General  
20 Affairs of the Manchukuo Government to the effect  
21 that though there was no objection to maintaining it  
22 as a cultural body it would be inadvisable to en-  
23 courage its growth as a political party. I understand  
24 that Army Commander MUTO had also refused the request  
25 by the said body to become an advisor."

1 I will not read the remaining two pages  
2 of the affidavit, as it is valueless without that  
3 part rejected by the Court.

4 I would like the witness to be shown court  
5 exhibit 230.

6 (Whereupon, a document was handed  
7 to the witness.)

8 BY MR. BROOKS (Continued):

9 Q Have you ever seen this document before?

10 A Yes, I have.

11 Q When and where?

12 A In Manchuria. The time was, I think, in  
13 the fall of 1933.

14 Q And what was the circumstance?

15 A When an examination of the contents were  
16 made when the document was received.

17 Q Will you tell the Tribunal what this document --  
18 I withdraw that.

19  
20 Did you receive any request from the Central  
21 Army in Tokyo -- Central Army Authorities -- or from  
22 any official government department in Tokyo, as to  
23 the matter contained in this exhibit?

24 A It is my understanding that this document,  
25 which originated in Tokyo and was formulated in Tokyo,  
was transmitted to the Kwantung Army to obtain its



1 opinion.

2 Q Where was this draft policy originated in  
3 Tokyo; what department?

4 A I think this plan was formulated in the  
5 General Staff Headquarters and from there, when the  
6 plan had been drawn up, sent to the War Ministry and  
7 the War Ministry forwarded it to the Kwantung Army  
8 for the purpose of obtaining its opinion.

9 Q This information contained in this Court  
10 exhibit 230 was as a result of a study of some agency.  
11 Can you state who studied and whose opinions are  
12 expressed in this document?

13 A It cannot be definitely known as to who  
14 formulated the draft of this plan in Tokyo.

15 Q Just a minute.

16 A Whoever made the plan was received in the  
17 field, that is, in Manchuria.

18 Q I am not referring to Tokyo. I will withdraw  
19 that question and ask this one: Is there any signif-  
20 icance in the exhibit you have before you, in that  
21 the same name -- that is dispatched in the name of  
22 the Chief of Staff?

23 A The name "KOISO, Kuniaki, Chief of Staff"  
24 appearing on this document, appears there only in  
25 accordance with regulations governing the handling of

1 documents and does not mean that the name appearing  
2 thereon is responsible for the contents of the  
3 documents.

4 Q You mean for the origination of the documents.

5 A Not as to who originated or formulated the  
6 document, but where the document originated or came  
7 from, that is, the name of the office.

8 Q Was this a customary procedure for handling  
9 documents -- administrative procedure?

10 A Yes.

11 MR. BROOKS: You may cross-examine.

12 MR. SUTTON: If the Tribunal please, the  
13 prosecution does not desire to cross-examine this  
14 witness.

15 MR. BROOKS: May the witness be released then?

16 THE PRESIDENT: He is excused on the usual  
17 terms.

18 (Whereupon, the witness was excused.)  
19  
20 - - -  
21  
22  
23  
24  
25

MR. BROOKS: We call as our next witness  
1 KITANO, Kenzo.

2 - - -

3 K E N Z O K I T A N O, called as a witness on  
4 behalf of the defense, being first duly sworn,  
5 testified through Japanese interpreters as  
6 follows:  
7

8 DIRECT EXAMINATION

9 BY MR. BROOKS:

10 Q What is your name and present address?

11 A My name is KITANO, Kenzo; my address is  
12 No. 29, Goban-cho, City of Hikone, Chiba Prefecture.

13 MR. BROOKS: May the witness be shown  
14 defense document 2561.

15 (Whereupon, a document was handed  
16 to the witness.)

17 Q Is that your affidavit and have you signed  
18 it?

19 A This document was written by me and signed  
20 by me.

21 Q Is it true and correct?

22 A I made a mistake in the number of the  
23 division -- the division number toward the end of  
24 the affidavit.  
25

Q Point it out, please.

1 A Where the affidavit reads, "the 20th  
2 Division," third line from the end of the affidavit,  
3 it should read, "the 19th Division."

4 Q With that correction, is it true and correct?

5 A Yes.

6 MR. BROOKS: I offer into evidence defense  
7 document 2561, and, if the Court please, I would  
8 like to also offer at the same time defense document  
9 2698, a certificate of non-availability of certain  
10 documents referred to therein, with the understanding  
11 that, by agreement with the prosecution, we will  
12 delete the last two lines of the first and second  
13 paragraphs of the certificate, defense document 2698.

14 THE PRESIDENT: Admitted, with that deletion,  
15 on the usual terms.

16 CLERK OF THE COURT: Defense document 2561  
17 will receive exhibit No. 3388.

18 Defense document 2698 will receive exhibit  
19 No. 3388-A.

20 (Whereupon, the documents above  
21 referred to were marked defense exhibit  
22 No. 3388 and defense exhibit No. 3388-A,  
23 respectively, and received in evidence.)

24 MR. BROOKS: I will now read defense docu-  
25 ment 2561, exhibit No. 3388, omitting the formal



parts, commencing with paragraph 2:

1 "2. I held the post of Chief of Staff of  
2 the Korean Army as a major-general from early in  
3 March, 1938 (the 13th year of Showa) to September,  
4 1939 (the 14th year of Showa). The commander of the  
5 Army at that time was General KOISO, until July 15,  
6 1938 (the 13th year of Showa) when he was succeeded  
7 by General NAKAMURA.  
8

9 "3. As for Commander KOISO's intentions  
10 and actions prior to the outbreak of the Changkufeng  
11 Incident, I will depose as follows:

12 "A. The Commander of the Korean Army in  
13 1938 (the 13th year of Showa) had no operational  
14 duties but was only charged with the duty of defend-  
15 ing Korea. He was not invested with any wartime  
16 duties. He was therefore, as it were, a commander  
17 of a caretaker army.

18 "As regards the two divisions in Korea, the  
19 command of the Army Commander was confined to the  
20 defense of Korea and, so far as the duty of wartime  
21 operations was concerned, the Chief of the General  
22 Staff was directly in charge. At the time of the  
23 Changkufeng Incident, the 20th Division was in  
24 North China, so the only field division in Korea was  
25 the 19th Division.

1 "B. Such being the case, the troops under  
2 its command were constantly required to absolutely  
3 keep from exciting the Soviet Army. Especially since  
4 the China Incident was then in progress, were they  
5 warned to be extremely cautious as any dispute out-  
6 break with the Soviet Union would be an obstacle in  
7 carrying out the policy of the central authorities  
8 towards China.

9 "Again the likes of watch-post line of our  
10 border guards were laid, within our territory of  
11 defense back from the frontier line in many places."

12 I think that should be, "the hikes of watch-  
13 post line," I don't know. It doesn't make sense there.

14 "On the occasion of inspections or observ-  
15 ations, they were done at the spot of the watch-post  
16 line or at the headquarters of units, never going  
17 close to the frontier line. Such being the case,  
18 it was the principle for all troops from the Army  
19 Commander down to do their utmost not to excite the  
20 Soviet. Therefore, such an attempt as to invade  
21 Soviet territory was quite out of the question and  
22 was impossible from the standpoint of military  
23 strength.  
24

25 "I remember, as a result, I presented the  
telegraphic instructions from the Central Authorities

1 to General NAKAMURA, Kotaro, the succeeding Army  
2 Commander, who arrived at Seoul on July 17 and asked  
3 the new commander for necessary instructions, and  
4 measures were made for the troops under his command.

5 "As stated above, Korean Army orders to  
6 units of parts of the 19th Division relative to the  
7 Soviet-Manchurian frontier dispute were given by  
8 General NAKAMURA, the new Army Commander, and had  
9 nothing to do with General KOISO."

10 In relation to the matter of the Changkufeng  
11 Incident, I would like for the Court to consider the  
12 testimony of TANAKA, Ryukichi, at record pages  
13 22,742, 22,743, and 22,751, and would submit that  
14 the conclusion of the witness, though being practical  
15 under the circumstances, was not in accordance with  
16 fact.

17 You may cross-examine.

18 MR. SUTTON: No cross-examination.

19 MR. BROOKS: May the witness be released?

20 THE PRESIDENT: He is released on the usual  
21 terms.

22 (Whereupon, the witness was excused.)  
23  
24  
25

K  
n  
a  
p  
p  
&  
K  
a  
p  
l  
e  
a  
u

1 MR. BROOKS: If the Tribunal please, on this  
2 exhibit 3388, on page 2, under paragraph B, the tenth  
3 line from the bottom, I will have to ask the Language  
4 Arbiter to check the Japanese translation and give us  
5 a proper word. He said "likes" and it may be "hikes"  
6 or something else.

7 THE PRESIDENT: It may mean "things such as."

8 MR. BROOKS: We call as our next witness  
9 TOKUGAWA, Yoshitomo.

10 - - -

11 Y O S H I T O M O T O K U G A W A, called as a  
12 witness on behalf of the defense, being first  
13 duly sworn, testified through Japanese interpre-  
14 ters as follows:

15 DIRECT EXAMINATION

16 BY MR. BROOKS:

17 Q State your name and address.

18 A My name is TOKUGAWA, Yoshitomo. My address  
19 is No. 41, 4-chome, Nejiro, Toshimaku, Tokyo.

20 MR. BROOKS: May the witness see defense  
21 document 2563, revised?

22 (Whereupon, a document was handed  
23 to the witness.)

24 Q Is that your affidavit and have you signed  
25 it?



1 A Yes.

2 Q Is it true and correct?

3 A Yes, the contents are true and correct.

4 MR. BROOKS: We now offer in evidence  
5 defense document 2563.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Defense document 2563  
8 will receive exhibit No. 3389.

9 (Whereupon, the document above  
10 referred to was marked defense exhibit  
11 3389 and received in evidence.)

12 MR. BROOKS: I now read defense document 2563,  
13 exhibit No. 3389, omitting the formal parts.

14 "After finishing a middle school course I  
15 went over to England to study and stayed there from  
16 1931 to 1934.

17 "Since 1935 I have been a part-time employee  
18 of the Imperial Museum.

19 "I was on the special staff of the Overseas  
20 Ministry from April 1939 till August 1939 and from  
21 January 1940 till July of the same year.

22 "And from 1940 I have been a part-time  
23 commissioner of the Nyukoen, a relief institution  
24 attached to the Ministry of Justice.

25 "I have also been serving in the Foreign

1 A Yes.

2 Q Is it true and correct?

3 A Yes, the contents are true and correct.

4 MR. BROOKS: We now offer in evidence  
5 defense document 2563.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Defense document 2563  
8 will receive exhibit No. 3389.

9 (Whereupon, the document above  
10 referred to was marked defense exhibit  
11 3389 and received in evidence.)

12 MR. BROOKS: I now read defense document 2563,  
13 exhibit No. 3389, omitting the formal parts.

14 "After finishing a middle school course I  
15 went over to England to study and stayed there from  
16 1931 to 1934.

17 "Since 1935 I have been a part-time employee  
18 of the Imperial Museum.

19 "I was on the special staff of the Overseas  
20 Ministry from April 1939 till August 1939 and from  
21 January 1940 till July of the same year.

22 "And from 1940 I have been a part-time  
23 commissioner of the Nyukoen, a relief institution  
24 attached to the Ministry of Justice.

25 "I have also been serving in the Foreign

1 Affairs Bureau of the Japanese Red Cross from 1945  
2 until now.

3 "I should like to make a statement concerning  
4 the conversation between General KOISO and German  
5 Ambassador Mr. Ott.

6 "I had many acquaintances at the embassies  
7 and legations of various countries in Japan.

8 "Ambassador Ott was one of my acquaintances  
9 and I met him quite often.

10 "I remember that around the middle of June,  
11 when I met Ambassador Ott, he requested an appoint-  
12 ment to see Overseas Minister KOISO.

13 "Just at that time, as I was on the special  
14 staff of the Overseas Ministry, I conveyed his request  
15 to Overseas Minister KOISO.

16 "But General KOISO's answer was this: that he  
17 himself was not interested in an interview with Am-  
18 bassador Ott, but if the latter wished to see him, he  
19 should comply.

20 "Therefore, I exerted myself to make arrange-  
21 ment for their meeting on the 20th of June of the same  
22 year.

23 "However, as it was the first time for them to  
24 see each other, their conversation was very short -  
25 only about thirty minutes.

1 "I was an interpreter between them, and the  
2 Ambassador talked almost all the time explaining his  
3 opinion to the Overseas Minister that the conclusion  
4 of the Tripartite Pact would be advantageous to Japan,  
5 and further, the Ambassador went on that Japan would  
6 be able to gain economic advantages in French Indo-  
7 China and Netherland East Indies as the result of the  
8 conclusion of the Pact. Overseas Minister KOISO listened  
9 to the Ambassador in silence for the most part, neither  
10 acknowledging nor denying the Ambassador except asking  
11 only a few questions."

12 You may examine.

13 MR. SUTTON: No cross-examination.

14 MR. BROOKS: May the witness be released on  
15 the usual terms?

16 THE PRESIDENT: He is released on the usual  
17 terms.

18 (Whereupon, the witness was excused.)

19 MR. BROOKS: There were some corrections in  
20 that, if your Honor please, and they appear on an  
21 errata sheet, which I think has been distributed.  
22

23 We will call as our next witness TANAKA,  
24 Takeo.  
25



1 T A K E O T A N A K A, called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as  
4 follows:

## DIRECT EXAMINATION

5  
6 BY MR. BROOKS:

7 Q What is your name and present address?

8 A My name is TANAKA, Takeo. My present ad-  
9 dress is No. 2956 Kichijaji, Musashino City, Tokyo.

10 MR. BROOKS: May the witness see defense  
11 document 2564?

12 ("Thereupon, a document was handed  
13 to the witness.")

14 This was incorrectly numbered defense docu-  
15 ment 2121 in some copies, your Honor, if there is any  
16 confusion.

17 Q Is this your affidavit and have you signed  
18 it?

19 A This is my affidavit.

20 Q Is it true and correct?

21 A Yes, true and correct.

22 MR. BROOKS: We now offer defense document  
23 2564 into evidence with the exception of numbered para-  
24 graph 7, on page 12, which we feel may come under the  
25 Court's ruling against character evidence. We will not  
read that.

1 MR. SUTTON: The prosecution objects to this  
2 affidavit in its entirety. It contains primarily the  
3 conclusions and opinions of this witness and contains  
4 statements so involved that their meaning cannot be  
5 understood and other alleged statements of fact which  
6 could not have been within the purview of the knowledge  
7 of this witness. The affidavit is argumentative and  
8 repetitive. We desire to especially point out the  
9 following objections:

10 In Section 1, pages 2 - 4 of the affidavit,  
11 the witness seeks, as stated near the bottom of page 2,  
12 to elucidate KOISO's attitude on two questions -- the  
13 Tripartite Alliance and southern expansion.

14 In the second paragraph of this section, at the  
15 top of page 3, the witness purports to give the private  
16 opinion of KOISO.

17 In the third paragraph of Section 1, being the  
18 second paragraph on page 3, the statement by the wit-  
19 ness of the views privately expressed by KOISO to the  
20 Premier and the Foreign Minister are statements of facts  
21 which could not have been within the knowledge of this  
22 witness and this paragraph contains an argument on the  
23 views and opinions of KOISO.

24 In Section 2 of the affidavit, pages 4 - 6,  
25 the witness purports to describe the state of mind of

1 KOISO. This section is written sometimes in the singular  
2 and sometimes in the plural. Whether the parts of this  
3 section under A and B on pages 5 and 6 are statements of  
4 the witness or of KOISO, or quotations from some other  
5 source, it is impossible to tell.

6 Division A of Section 2 on page 5 purports to  
7 be a quotation of principles, but the source is not  
8 given.

9 In the first part of Section 2 on page 4 and  
10 in the first paragraph of Division A of Section 2 on  
11 page 5, the pronouns "we" and "us" are used; for example,  
12 in the eighth line of Section 2 on page 4, "made us  
13 feel," in the twelfth line of page 4, "not only were we  
14 deeply impressed," in the fourteenth line of page 4,  
15 "our ears," and in the first paragraph of Division A of  
16 Section 2 on page 5 the following expressions appear:  
17 "We are now defeated," and "We have, of course, an eager  
18 desire." Near the end of the second paragraph of  
19 Division A, Section 2, page 5, the third person "he"  
20 is used -- "He felt confident." There is no way of  
21 ascertaining to whom these pronouns refer.

22 In Division B of Section 2, pages 5 - 6, which  
23 begins with quotation marks, the third person "he" is  
24 used. It is impossible to tell from whom this is quoted.  
25

Near the end of the first paragraph on page 6

1 of Section 2, the witness purports to give the thoughts,  
2 intentions and hopes presumably of KOISO.

3 Section 4, pages 8 - 11, contains opinions and  
4 conclusions of the witness and is argumentative. The  
5 first paragraph of this section on page 9 purports to  
6 be a quotation, but the source is not given. The last  
7 two paragraphs of this section at the bottom of page 10  
8 and the top of page 11 are especially argumentative.

9 "Section 5 on page 11 is objected to as argu-  
10 mentative, repetitive and irrelevant in that the wit-  
11 ness purports to give the contents of and tries to ex-  
12 plain the meaning of a speech made by KOISO. This  
13 speech is set out in full in exhibit 277, record pages  
14 3703 - 3717.

15 The last sentence of Section 6 at the bottom  
16 of page 11 and the top of page 12 is pure speculation.

17 In Section 7, page 12 --

18 THE PRESIDENT: You need not deal with that.

19 MR. SUTTON: It is respectfully submitted that  
20 there is so little of this affidavit which is free from  
21 objection that it should be rejected in toto.

22 MR. BROOKS: If I may refer to my notes:

23 The prosecution has not brought out that this  
24 witness was the Vice Minister of Overseas Affairs under  
25 KOISO, and also served as Chief Secretary of the Cabinet



1 when KOISO was Prime Minister, and his testimony as to  
2 KOISO's attitude toward the southern region problem, as  
3 to the circumstances surrounding the formation of the  
4 KOISO Cabinet, and to the administrative policies of the  
5 KOISO Cabinet are from his own knowledge and discussions  
6 with the accused. He will testify here to KOISO's  
7 efforts to terminate the war and to the circumstances  
8 following these efforts, leading to KOISO's resignation.

9 He will testify as to KOISO's authority regard-  
10 ing prisoners of war and give evidence showing the lack  
11 of responsibility for death and mistreatment of internees  
12 and prisoners of war.

13 As to the pronouns to which the prosecution has  
14 taken objection, none of these objections can fail to  
15 be corrected, if there is any doubt, by proper cross-  
16 examination. In reading it, when you take into con-  
17 sideration that this witness was a vice-minister and is  
18 talking about his superior, the minister, I do not see  
19 how there can be any doubt as to who he is talking about  
20 when he says "we."

21 Taking the objections up section by section:  
22

23 Section 1, pages 2 and 4 of the affidavit.

24 I think that the vice-minister could well testify on  
25 the views of the minister in relation to these matters.

If he did not know the views, then he would not be

1 carrying out his proper duties as a vice-minister.

2 THE PRESIDENT: HORINOUCI did that, but per-  
3 haps in clearer terms -- Vice-Minister for Foreign  
4 Affairs.

5 MR. BROOKS: That may be, your Honor, but in  
6 this instance the witness has set out the matters that  
7 were discussed at their private conferences, and I have  
8 endeavored to lay before the Court the private opinions  
9 expressed by the general to his vice-minister on his  
10 state of mind at that time, what caused him to act and  
11 how he acted.

12 If these questions were apparent here, from  
13 which these answers were received, I don't think one  
14 of them could be objected to. Being in affidavit form,  
15 rather than question and answer form, it does give them  
16 a different flavor at times, but I do not think that  
17 relevant and probative evidence should be rejected for  
18 the want of having the questions clearly understood that  
19 could produce the same effect.

20 As to the other sections objected to, I think  
21 if the position of this witness and the accused is con-  
22 sidered, that alone would answer the objection in that  
23 any necessary steps may be taken by way of cross-  
24 examination to prevent the Court from being misled.

25 As to the objection to the last sentence of

Section 6 at the bottom of page 11 and the top of page  
1 12, I agree that that might be speculation. However,  
2 it was offered in this affidavit on the strength of the  
3 witness' own knowledge that, as vice-minister, as far  
4 as he knew, he was ignorant of such conditions.

5 As to Section 5 on his speech in the 85th  
6 session of the Diet, it is clear from my examination of  
7 the witness, and I thought from this affidavit, that he  
8 had discussed this matter with KOISO, knew the contents  
9 of the speech, and was competent to testify thereabout.

10 I have no further answers.

11 THE PRESIDENT: Well, you agree to strike out  
12 two passages at the end of the affidavit. As to the  
13 balance, we seem to think it is a case of reject all or  
14 admit all. Here and there there are statements which  
15 we could hardly accept. Any statement of opinion must  
16 be rejected. He is trying to tell us, apparently, the  
17 attitude of the accused.

18 MR. BROOKS: That was the purpose, your Honor.

19 THE PRESIDENT: With some hesitation the majority  
20 have decided to accept the affidavit. We sincerely  
21 hope there will not be many more of these affidavits,  
22 because they could be expressed clearly so far as they  
23 could be admitted.

24 Except the parts agreed to by Captain Brooks  
25

1 not to be pressed, the document is admitted on the  
2 usual terms. It may be read in the morning.

3 We will adjourn until half-past nine tomorrow  
4 morning.

5 (Whereupon, at 1600, an adjourn-  
6 ment was taken until Thursday, 6 November  
7 1947, at 0930.)

8 - - - -  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25